

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:13-CR-99-2-BO

UNITED STATES OF AMERICA)
)
v.) **O R D E R**
)
GREGORY JAMES BURGESS)

This matter is before the Court on defendant's motion for legal documentation. [DE 99]. The government has responded, and the motion is ripe for ruling. For the reasons stated herein, defendant's motion is DENIED.

BACKGROUND

On April 18, 2014, defendant was sentenced to a total sentence of 168 months' imprisonment after pleading guilty to Hobbs Act robbery and aiding and abetting, 18 U.S.C. §§ 1951(a) and 2; brandishing a firearm during and in relation to a crime of violence and aiding and abetting, 18 U.S.C. §§ 924(c) and 2; and carjacking and aiding and abetting, 18 U.S.C. §§ 2119 and 2. Defendant did not file a direct appeal.

On February 2, 2015, defendant filed the instant motion requesting copies of the sentencing transcripts, plea agreement, and court docket sheet without payment of fees. The government opposes the motion. [DE 103].

DISCUSSION

"[T]he Fourth Circuit requires indigent defendants to show a 'particularized need'" for requested documents. *United States v. Holloman*, 2013 U.S. Dist. LEXIS 99748, *4 (E.D.N.C. Jul. 17, 2013); *Jones v. Superintendant, Va. State Farm*, 460 F.2d 150, 152–53 (4th Cir. 1972).

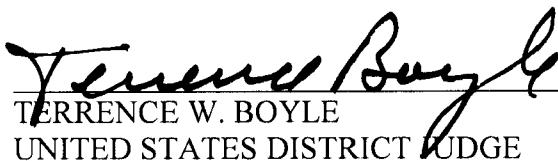
An indigent defendant is not entitled to a transcript at government expense in order to “merely [] comb the record in the hope of discovering some flaw.” *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963). Defendant has not provided any justification at all to receive the requested documents at government expense, nor has he made a showing of what he believes appears in the documents he requires. Accordingly, the motion is denied. Defendant is entitled to obtain the documents he seeks at his own expense, but not at the government’s.

CONCLUSION

For the foregoing reasons, defendant’s motion is DENIED.

SO ORDERED.

This the 16 day of March, 2015.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE